

REMARKS

The Examiner is thanked for the thorough examination of this application. The Office Action, however, has continued to reject all claims 1-20, based on newly cited references. For at least the reasons set forth herein, Applicant disagrees and requests reconsideration and withdrawal of the rejections. As the newly cited references have been published or issued for some time, the new rejections appear to result more from an incomplete initial search, as opposed to merely an updated search (particularly since the present claims have not been amended). The undersigned notes the MPEP's admonition against piecemeal examination. Such piecemeal examination imposes an undue cost on applicants in the examination process. In responding to the present rejection (the fourth Office Action mailed in this application), Applicant assumes that the Examiner has now made all relevant art of record, as the MPEP requires that Examiners avoid piecemeal examination of applications (MPEP 707.07(g)), and that the art now of record reflects the results of a thorough search of the embodiments of the specification as well as the claims (MPEP 904).

Claims 1-14

Claims 1-12 have been tentatively rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. patent 6,952,428 (to Necka) in view of U.S. published application 2001/0053159 (to Bunn). Applicants respectfully traverse these rejections, for various fundamental reasons.

In applying the cited references to the claims, the Office Action has ignored certain claimed features that the references do not teach or disclose. Independent claim 1 recites:

1. An ***apparatus for communicating graphics between at least two remotely-located computers across a computer network comprising:***

an input for receiving a video signal output from a graphics card of a source computer;

a memory for storing discrete units of the video signal;

a compression circuit for compressing a plurality of the discrete units into a compressed video signal;

a network interface circuit coupled to both the compression circuit and the computer network, the network interface circuit configured to format and communicate the compressed video signal over the computer network to a remote computer; and

an output coupled to the computer network.

(*Emphasis added.*) Claim 1 patently defines over the cited art for at least the reason that the cited art (even if properly combined) fails to disclose at least the features emphasized above.

First, the Office Action relies on Necka for allegedly disclosing the claimed “apparatus for communicating graphics between at least two remotely-located computers...” In this regard, the Office Action cites the “cable modem” of Necka as teaching this claimed feature. As is well known, a cable modem is not a device for particularly communicating graphics, but is rather a communication device that communicates all types of data between remote computers. The undersigned assumes that the Examiner has made this application of Necka because claim 1 is not limited to “only” the communication of graphics (e.g., the cable modem of Necka communicating all types of

information, which can include graphics information). Otherwise, the cable modem of Necka is clearly inapplicable to the claimed embodiments.

Turning to the very first element of the claim, however, claim 1 recites: “***an input for receiving a video signal output from a graphics card of a source computer.***”

As is well known, the electrical connection between a cable modem and a computer is typically formed by an Ethernet connection (to an Ethernet port of the computer) or in some cases to a USB port of the computer. Under either configuration, the connection is to a general purpose communication port of the computer, and NOT to a video signal output of the graphics card of the computer. Indeed, Necka teaches that “the CM 16 may be connected to the CPT entity 18 via a Cable Modem-to-CPE interface (“CMCI”) 20.” (Col. 7, lines 1-3), where CM stands for Cable Modem and CPE stands for Customer Premise Equipment. Significantly, there is NO teaching in Necka of the cable modem 16 having an “input for receiving a ***video signal output from a graphics card of a source computer,***” as expressly claimed by claim 1.

Referring to the present application, the paragraph on page 4, line 13 states:

To facilitate the communication of video information from a source computer 20 to a destination computer 50, a novel network video apparatus (NVA) 100 is provided. Various embodiments of such a NVA 100 will be described in more detail herein (e.g., FIGS. 2 and 5). In short, the NVA 100 operates by receiving a video signal at an input, formatting the video signal for network communication, and outputting the formatted video signal across one or more networks. ***More particularly, a standard or conventional video signal, such as a video signal generated by a video graphics card, may be connected to the NVA 100. This connection may be made through conventional cabling 22 and a connector 102 coupled to an input of the NVA 100.***

(Emphasis added.)

This description is completely consistent with how a person skilled in the art would interpret the claimed “video signal.” In this regard, it should be appreciated that a video signal is not simply any signal that may carry or include video content, but instead is a signal that is dedicated to carrying video content. In this regard, the undersigned performed a simple Internet search (using the Google search engine) for “video signal.” The results of this search reflect how a person skilled in the art would interpret the term “video signal.”

Attached as Exhibit A is a printout of the search results. The third item listed in the search is entitled “Video Signal Standards.” A printout of the site coupled to that link is attached hereto as Exhibit B. The video signals listed in Exhibit B include “Composite”, “S-Video”, “TV/CATV”, “RGB”, “NTSC”, “PAL”, and “SECAM.” Accordingly, persons skilled in the art will understand the claimed “video signal” as being a signal dedicated to carrying video, such as one governed by one of the video standards listed above. Although this Internet search was conducted at the time of the filing of this response, the search results are certainly indicative of how an artisan would have construed the term “video signal” at the time of filing of this application, as the term itself, as well as the terms identified in the search (e.g., “Composite”, “S-Video”, “TV/CATV”, “RGB”, “NTSC”, “PAL”, and “SECAM”) have not change in meaning or interpretation since the August 27, 2001 filing date of the present application.

Significantly, Necka fails to teach or disclose an input of the cable modem “for receiving a **video signal** output from a graphics card of a source computer. In advancing this rejection, it appears that the Office Action may not be giving any weight or meaning to the claimed “video signal.” Accordingly, this claimed feature, as properly

construed, clearly defines over the generic teachings of Necka. For at least this reason, the rejection is misplaced and should be withdrawn.

As a separate and independent basis for the patentability of claim 1, Necka fails to disclose the claimed “**memory for storing discrete units of the video signal.**” For this claimed feature, the Office Action relies only col. 8, lines 48-51 of Necka, which states: “An operating environment for each CMTS 12, CM16, CPE 18, TRAC 24 and other network entities of an exemplary embodiment may include a processing system with at least one high speed processing unit and **a memory system.**” (*Emphasis added.*) The generic recitation of “a memory system” is not the same as a memory, within the cable modem, “for storing discrete units of the video signal.” As the cable modem 16 has been applied by the Office Action as constituting the claimed “apparatus,” then the claimed “*memory for storing discrete units of the video signal,*” which is a part of the claimed apparatus, must be found within the cable modem of Necka. It is not. For at least this additional reason, the rejection of claim 1 is misplaced and should be withdrawn.

As yet another independent basis for the patentability of claim 1, Necka fails to disclose the claimed “**network interface circuit coupled to both the compression circuit and the computer network.**” The Office Action admits that Necka fails to disclose the claimed “compression circuit” and instead relies on Bunn as teaching that claimed element. However, based on the admission of the Examiner that “Necka specifically fails to teach a compression circuit...” (Office Action, p. 4, line 8), Necka clearly cannot teach the claimed “network interface circuit **coupled to both the compression circuit** and the computer network.” That is, as Necka does not disclose

the compression circuit, then it cannot disclose the claimed network interface circuit “coupled to ... the compression circuit.” Therefore, the application of Necka as allegedly disclosing the network interface circuit, as claimed, is misplaced. For at least this additional (and independent) reason, the rejection of claim 1 should be withdrawn.

The Office Action also rejected claim 2 as allegedly obvious over the combination of Necka and Bunn. Applicant respectfully disagrees.

Claim 2 recites:

2. An apparatus for communicating graphics across a computer network comprising:
an input for receiving a video signal;
a memory for storing discrete units of the video signal;
a compression circuit for compressing a plurality of the discrete units into a compressed video signal; and
a network interface circuit coupled to both the compression circuit and the computer network, the network interface circuit configured to format and communicate the compressed video signal over the computer network to a remote computer.

(*Emphasis added.*) Claim 2 patently defines over the cited art for at least the reason that the cited art (even if properly combined) fails to disclose at least the features emphasized above.

The features emphasized in claim 2 above closely parallel the distinguishing features discussed above in connection with claim 1. Therefore, Applicants submit that the rejection of claim 2 should be withdrawn for at least the same reasons set forth above in connection with claim 1.

Claims 3-14 depend from claim 2, and therefore patently define over the cited art for at least the same reasons.

As a separate and independent basis for the patentability of claims 1-14, Applicant submits that the combination of Necka and Bunn is improper. In this regard, the Office Action combined Bunn with Necka on the solely expressed basis that "such a configuration would provide for improved bandwidth utilization on the cable network." (Office Action, p. 6 and again on p. 9). This rationale is both incomplete and improper in view of the established standards for rejections under 35 U.S.C. § 103.

In this regard, the MPEP section 2141 states:

Office policy has consistently been to follow Graham v. John Deere Co. in the consideration and determination of obviousness under 35 U.S.C. 103. As quoted above, the four factual inquiries enunciated therein as a background for determining obviousness are briefly as follows:

- (A) Determining of the scope and contents of the prior art;
- (B) Ascertaining the differences between the prior art and the claims in issue;
- (C) Resolving the level of ordinary skill in the pertinent art; and
- (D) Evaluating evidence of secondary considerations.

...

BASIC CONSIDERATIONS WHICH APPLY TO OBVIOUSNESS REJECTIONS

When applying 35 U.S.C. 103, the following tenets of patent law must be adhered to:

- (A) The claimed invention must be considered as a whole;
- (B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;
- (C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention and
- (D) Reasonable expectation of success is the standard with which obviousness is determined.

Hodosh v. Block Drug Co., Inc., 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187 n.5 (Fed. Cir. 1986).

Simply stated, the Office Action has failed to at least (1) ascertain the differences between and prior art and the claims in issue; and (2) resolve the level of ordinary skill in the art. Furthermore, the alleged rationale for combining the two references (i.e., to improve bandwidth utilization) embodies clear and improper hindsight rationale. For at least this additional reasons, Applicant submits that the rejections of claims 1-14 are improper and should be withdrawn.

Claims 15-20

Claims 15-20 stand rejected under 35 U.S.C. § 102 as allegedly anticipated by Necka.

15. ***An apparatus for communicating graphics across a computer network comprising:
an input for receiving a video signal; and
a network interface circuit coupled to both the input and the computer network***, the network interface circuit configured to format and communicate the video signal over the computer network to a remote computer.

(*Emphasis added.*) Claim 15 patently defines over the cited art for at least the reason that the cited art (even if properly combined) fails to disclose at least the features emphasized above.

With the exception of the compression circuit, the features emphasized in claim 15 above closely parallel the distinguishing features discussed above in connection with claim 1. As the Office Action relied on teaching of Bunn for allegedly disclosing the compression circuit of claim 1, the rejection of claim 15 has been made under 35

U.S.C. § 102. Therefore, Applicants submit that the above-emphasized features of claim 15 patently define over the teachings of Necka for at least the same reasons that the corresponding features of claim 1 define over Necka. For at least these reasons, the rejection of claim 15 should be withdrawn.

Claims 16-18 depend from claim 15, and therefore patently define over the cited art for at least the same reasons.

With respect to claim 19, claim 19 recites:

19. A method for communicating graphics across a computer network comprising:

receiving a video signal from a graphics card of a source computer;

converting the video signal into a format suitable for communication over a computer network; and

communicating the converted video signal across the computer network to a remote computer.

(*Emphasis added.*) As discussed above in connection with claim 1, Necka fails to disclose the claimed feature of receiving a video signal from a graphics card of a source computer. For at least this reason, the rejection of claim 19, based solely on Necka, should be withdrawn.

Claim 20 depends from claim 19, and therefore patently defines over the cited art for at least the same reasons.

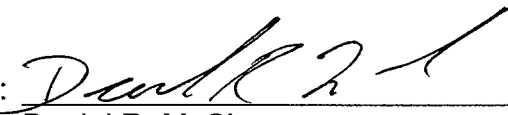
CONCLUSION

Applicant respectfully submits that all claims are in proper condition for allowance, and respectfully request that the Examiner pass this case to issuance. If, in the opinion of

the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

No fee is believed to be due in connection with this Response to Office Action. If, however, any fee is deemed to be payable, you are hereby authorized to charge any such fee to Hewlett-Packard Company's Deposit Account No. 08-2025.

Respectfully submitted,

By: 
Daniel R. McClure
Registration No. 38,962

770-933-9500

Please continue to send all future correspondence to:

Hewlett-Packard Development Company, L.P.
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400